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Action

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FROM: New York

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TO: Secretary of State

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DEPARTMENT PASS TO WHITE HOUSE

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STEVENSON, MCCLOY AND ELLYPTON MET THIS A.M. AT SOV MISSION WITH KUZNETSOV, MENDELEVICH AND INTERPRETER (USSR) FOR TWO HOURS.

1. KUZNETSOV SAID HE HAD GIVEN "SINCERE EXAMINATION" OF US DRAFT HANDED HIM ON DEC 28, REFERRING TO THE WHITE HOUSE PRESS STATEMENT OF OCT 27 AND THE PRESIDENT'S STATEMENT AT PRESS CONFERENCE ON NOV 29. HE APPRECIATED THAT DRAFT WAS A STEP FORWARD IN THAT IT DID NOT ASK FOR THE STATEMENTS TO BE CIRCULATED, BUT THAT THE DRAFT WAS NOT ACCEPTABLE SINCE THE SOVS DO NOT AGREE TO THE RESERVATIONS CONTAINED IN THE STATEMENTS.

2. REFERRING TO "BEHAVIOR OF CUBA" RESERVATION IN THE NOV 29 STATEMENT, HE SAID THAT IT HAD NOT BEEN MENTIONED IN OCT 27 AND 28 LETTERS AND THAT, TOGETHER WITH OTHER STATEMENTS BY US OFFICIALS, INDICATED THAT US WANTS TO WEAKEN ITS OBLIGATION AND TO HAVE A FREE HAND TO CONTINUE ITS AGGRESSIVE POLICY AGAINST THE CUBAN REPUBLIC ON EASILY AVAILABLE PRETEXTS. HE BEGGED THAT WE NOT INSIST ON RESERVATION.

3. AS TO RESERVATION IN NOV 29 STATEMENT AS TO US PURSUING "ITS OWN MEANS OF CHECKING ON MILITARY ACTIVITIES IN CUBA", HE REPEATED CONTENTION THAT U-2 OVER-FLIGHTS VIOLATION OF INTERNATIONAL LAW AND CHARTER, AND ASKED WHAT KIND OF A WORLD WE WOULD HAVE IF EACH GOVT COULD VIOLATE INTERNATIONAL LAW AND CHARTER WHENEVER IT DECIDED IT WAS NECESSARY TO PROTECT ITS INTERESTS.

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4. STEVENSON SAID GRATEFUL FOR FRANK EXPRESSION OF SOVIET VIEWS WHICH ADVANCES UNDERSTANDING. HE WENT ON TO SAY THAT NEITHER US NOR ANY COUNTRY COULD GIVE UNQUALIFIED STATEMENT THAT IT WON'T USE MILITARY ACTION TO DEFEND ITSELF OR ITS PARTNERS, AND US OBLIGATIONS TO DO SO ANTE-DATE CUBAN CRISIS. US RESERVATION IN THIS REGARD IS FRANK PUBLIC RECOGNITION OF THE FACTS, AND THAT BETTER TO GIVE CLEAR PICTURE OF THOSE FACTS NOW THAN BY SUBSEQUENT EXPLANATION. NO WEAKENING OF US COMMITMENT INVOLVED, MERELY STATEMENT OF ANTECEDENT FACTS.

5. MCCLOY SAID THAT RESERVATIONS WERE NOT INTENDED TO WEAKEN US COMMITMENTS AND THAT SOVS MISTAKE SPIRIT OF US RESERVATIONS. HE ALSO REFERRED TO US CONSTITUTIONAL PROBLEM, IN THAT ONLY CONGRESS HAS THE RIGHT TO DECLARE WAR AND THAT ONLY A TREATY RATIFIED BY THE SENATE COULD COMPLETELY AND UNQUALIFIEDLY FORECLOSE US MILITARY ACTION.

6 AS TO INSPECTION, MCCLOY SAID THAT SOVS HAD BEEN VERY COOPERATIVE IN REMOVALS AND THAT HE BELIEVED NO WEAPONS REMAINED, BUT THAT REPORTS CONTINUE AS TO HIDDEN WEAPONS, AND IT CLEAR THAT THERE IS ENORMOUS MILITARY BUILD-UP IN CUBA INCLUDING SUBSTANTIAL RED ARMY UNITS IN CANTONMENTS, AND FUTURE SURVEILLANCE NECESSARY UNTIL SITUATION CALMS DOWN. PLANES NOT ARMED AND NO THREAT OF INVASION; INDEED THEY CONSTITUTE INSURANCE AGAINST INVASION THROUGH REMOVING SUSPICIONS AND GIVING SENSE OF CONFIDENCE.

MCCLOY ALSO POINTED OUT THAT US DRAFTS HAD OFFERED TIGHTER LANGUAGE AS TO NOV 20 STATEMENT WHICH SOVS HAD NOT ACCEPTED.

7 STEVENSON SAID THAT PLEDGE AGAINST INVASION WAS NOT CONSIDERED EITHER AN ENLARGEMENT OR A MINIMIZATION OF US OBLIGATIONS UNDER OAS TREATY, BUT A REAFFIRMATION OF THAT OBLIGATION TO USSR. IN DRAFTS NARROWING NOV 20 STATEMENTS, US HAD TRIED MEET SOV VIEWPOINT BUT IT DID NOT AGREE.

8. MCCLOY SAID SOVS MAKING FUNDAMENTAL MISTAKE AS TO US STATEMENTS, WHICH WERE NOT SUBTERFUGE BUT AN HONEST DESIRE TO SET FORTH US POSITION.

9. KUZNETSOV SAID THAT IF THERE WAS NOTHING NEW IN THE NOV 20 STATEMENT, US SHOULD NOT INSIST ON MENTIONING IT.

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12. HE WENT ON TO SAY THAT SOVS COULD NOT AGREE TO ANY REFERENCES TO THE RESERVATIONS IN US SEPARATE LETTER, AND THAT IF THE US SHOULD SEND IN SEPARATE LETTER CONTAINING REFERENCES TO THE WHITE HOUSE STATEMENT OF OCT 27 AND PRESIDENTIAL PRESS CONFERENCE STATEMENT OF NOV 20 SOVS WOULD HAVE TO SEND IN SEPARATE LETTER CONTAINING LANGUAGE SUCH AS FOLLOWS:

BEGIN VERBATIM TEXT. THE WHITE HOUSE STATEMENT OF OCT 27 AND THE PRESIDENTIAL PRESS CONFERENCE STATEMENT OF NOV 20 OVER-STEP THE LIMITS OF THE UNDERSTANDING FIXED IN THE LETTERS BETWEEN CHAIRMAN KHRUSHCHEV AND PRESIDENT KENNEDY OF OCT 27 AND 28. THEREFORE THEY CANNOT BE CONSIDERED AS VALID. END VERBATIM TEXT

11. MCCLOY SUGGESTED POSSIBILITY THAT SOV LANGUAGE MIGHT READ:

"THE WHITE HOUSE STATEMENT OF OCT 27 AND THE PRESIDENTIAL PRESS CONFERENCE STATEMENT OF NOV 20 ARE UNILATERAL DOCUMENTS AND CONSEQUENTLY THEY CANNOT BE TAKEN AS VARYING THE COMMITMENTS CONTAINED IN THE LETTERS OF OCT 27 AND 28 BETWEEN CHAIRMAN KHRUSHCHEV AND PRESIDENT KENNEDY".

KUZNETSOV TOOK SUGGESTION DOWN, BUT DID NOT COMMENT OR AGREE TO IT.

1. KUZNETSOV MADE FURTHER COMMENTS ON DEC 28 DRAFT OF US SEPARATE LETTER:

(A) IN FIRST PARA, SOVS WOULD NOT ACCEPT "IN CONNECTION WITH THE INTRODUCTION OF CERTAIN OFFENSIVE WEAPONS IN THE ISLAND OF CUBA", BUT WOULD ACCEPT LANGUAGE SUCH AS "IN CONNECTION WITH THE CUBAN CRISIS" CONTAINED IN EARLIER US DRAFTS.

(B) IN THE SUBSEQUENT PARA HE QUESTIONED THE PHRASE "FOR THE COUNCIL'S RECORD". MCCLOY SAID DID NOT CONSTITUTE REGISTRATION AND MERELY WAS INTENDED TO ENSURE CIRCULATION. ALL AGREED THAT INTENTION WAS THAT US LETTER AND THE PRESIDENTIAL LETTERS OF OCT 27 AND 28 WERE TO BE CIRCULATED TO SC MEMBERS.

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(C) HE QUESTIONED REFERENCE IN FOURTH PARA TO CUBAN ITEM ON SC AGENDA. MCCLOY SAID INTENDED TO AVOID NEW SC MTG WITH RESULTANT DONNYBROOK FAIR. KUZNETSOV SAID THEY DID NOT INSIST ON AN SC MTG.

13. MCCLOY SAID HE WOULD REDRAFT SEPARATE LETTER AND SUBMIT.

14. KUZNETSOV SAID SOVS DID NOT WANT KHRUSHCHEV LETTER OF OCT 26 MENTIONED, BECAUSE SECRET AND BECAUSE IT IN TURN REFERRED TO PRIOR SECRET LETTERS. MCCLOY POINTED OUT THAT SINCE KENNEDY OCT 27 LETTER REFERRED TO KHRUSHCHEV OCT 26 LETTER, CONGRESSIONAL COMMITTEES WOULD WANT TO SEE IT, AT LEAST IN EXECUTIVE SESSION. KUZNETSOV SAID KHRUSHCHEV PROBABLY WOULD NOT OBJECT.

15. AS TO DRAFT OF SHORT FORM JOINT LETTER SUBMITTED BY US ON DEC 28, KUZNETSOV MADE FOLLOWING COMMENTS:

(A) SOVS HAVE NOT COME TO ANY FINAL DECISION AS TO WHETHER THEY LIKE SHORT FORM JOINT LETTER.

(B) KUZNETSOV WOULD LIKE TO SEE ADDED SOME REFERENCE TO HOPE THAT STEPS TAKEN BY TWO GOVTS MAY LEAD TO CONSTRUCTIVE EFFORTS AS REGARDS OTHER DIFFERENCES.

(C) KUZNETSOV QUERIED USE OF WORD "REGRET" IN SECOND PARA.

(D) HE SUGGESTED POSSIBILITY OF ADDING IN SECOND PARA "THE UNDERSTANDING REACHED BETWEEN US AND" AFTER THE WORDS "IN VIEW OF",. MCCLOY MADE NO COMMENT.

(E) KUZNETSOV ALSO QUESTIONED USE OF WORD "CONSIDERABLE", BUT ON EXPLANATION THAT IT WAS WEAKER THAN "SUBSTANTIAL", APPEARED TO BE SATISFIED.

16. MCCLOY SAID HE WOULD REDRAFT SUGGESTED JOINT STATEMENT AND SUBMIT.

17. SUGGESTED REDRAFTS OF SEPARATE US LETTER AND JOINT LETTER FOLLOW IN OURTEL 2542.

COMMENT: KUZNETSOV AT END OF SESSION GAVE SLIGHT IMPRESSION OF PLIABILITY. STEVENSON

Passed White House 12/31/62 .

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